

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COU.  
AT DANVILLE, VA  
FILED  
FOR ROANOKE  
FEB 09 2006  
JOHN F. CORCORAN, CLERK  
BY: *R. Collier*  
DEPUTY CLERK

KENNETH CLARENCE LEE,  
Petitioner,

v.

COMMONWEALTH OF VIRGINIA,  
Respondent.

Civil Action No. 7:05cv00567

FINAL ORDER

By: Jackson L. Kiser  
Senior U.S. District Judge

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that the above referenced 28 U.S.C. § 2254 petition is **DISMISSED**. This action is stricken from the active docket of the court.

Kenneth Clarence Lee is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel for the respondent.

ENTER: This 9th day of February, 2006.

*Jackson L. Kiser*  
Senior United States District Judge